

MAR 12 2013

SENATE RESOLUTION

AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A
PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION
171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION
AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND.

1 WHEREAS, the Board of Land and Natural Resources approved
2 the request of West Coast Roofing, Inc., ("Applicant") for a
3 non-exclusive easement over a portion of state-owned land
4 located in Makaha, Waianae, Oahu, on January 11, 2013; and
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6 WHEREAS, the seaward boundary of the property fronts the
7 ocean, and a seawall straddles the seaward boundary of the
8 property and submerged public land, which is state-owned and
9 identified by tax map key number (1) 8-4-005:002 seaward of
10 parcel 2. A portion of the seawall encroaches into the state-
11 owned submerged land; and
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13 WHEREAS, the area of the seawall comprises approximately
14 one hundred thirty-one square feet and comprises a portion of
15 the state-owned submerged land; and
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17 WHEREAS, under county requirements, the Applicant requires
18 an easement over that portion of the submerged land that
19 includes the existing seawall in order for the Applicant to
20 obtain a county building permit to renovate the seawall; and
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22 WHEREAS, the character of use of the easement is the right,
23 privilege, and authority to use, maintain, repair, replace, and
24 remove the seawall over, under, and across state-owned land; and
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26 WHEREAS, the easement term is for fifty-five years in
27 consideration for a one-time payment to be determined by
28 independent or staff appraisal establishing a fair market rent,
29 subject to review and approval by the Chairperson of the Board
30 of Land and Natural Resources; and
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32 WHEREAS, the easement abuts the Applicant's property; now,
33 therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-seventh
2 Legislature of the State of Hawaii, Regular Session of 2013,
3 that the Board of Land and Natural Resources is hereby
4 authorized to issue a non-exclusive easement for a fifty-five
5 year term, covering that portion of state submerged lands
6 described above, located in Makaha, Waianae, Oahu, for purposes
7 of renovation and construction of a seawall, pursuant to section
8 171-53, Hawaii Revised Statutes, subject to limitations and
9 conditions to be determined by the Board of Land and Natural
10 Resources; and

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12 BE IT FURTHER RESOLVED that a certified copy of this
13 Resolution be transmitted to the Chairperson of the Board of
14 Land and Natural Resources.

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17 OFFERED BY: _____

